

# DRUG & ALCOHOL CLEARINGHOUSE

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Check-In Webinar  
October 2024



## Presenters

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- Devin Eakes  
Clearinghouse Program  
Manager,  
Office of Safety, FMCSA
- Clearinghouse  
Technical Team

## Roll Call

- Use the chat pod to  
tell us your name,  
role, and State



# Agenda

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- 1 SDLA REQUIREMENTS & PROGRAM UPDATES**
- 2 TESTING CLEARINGHOUSE CONNECTION & MOU UPDATE**
- 3 SDLA RESOURCES & OUTREACH**
- 4 STATE REPORT-OUT**
- 5 Q&A**

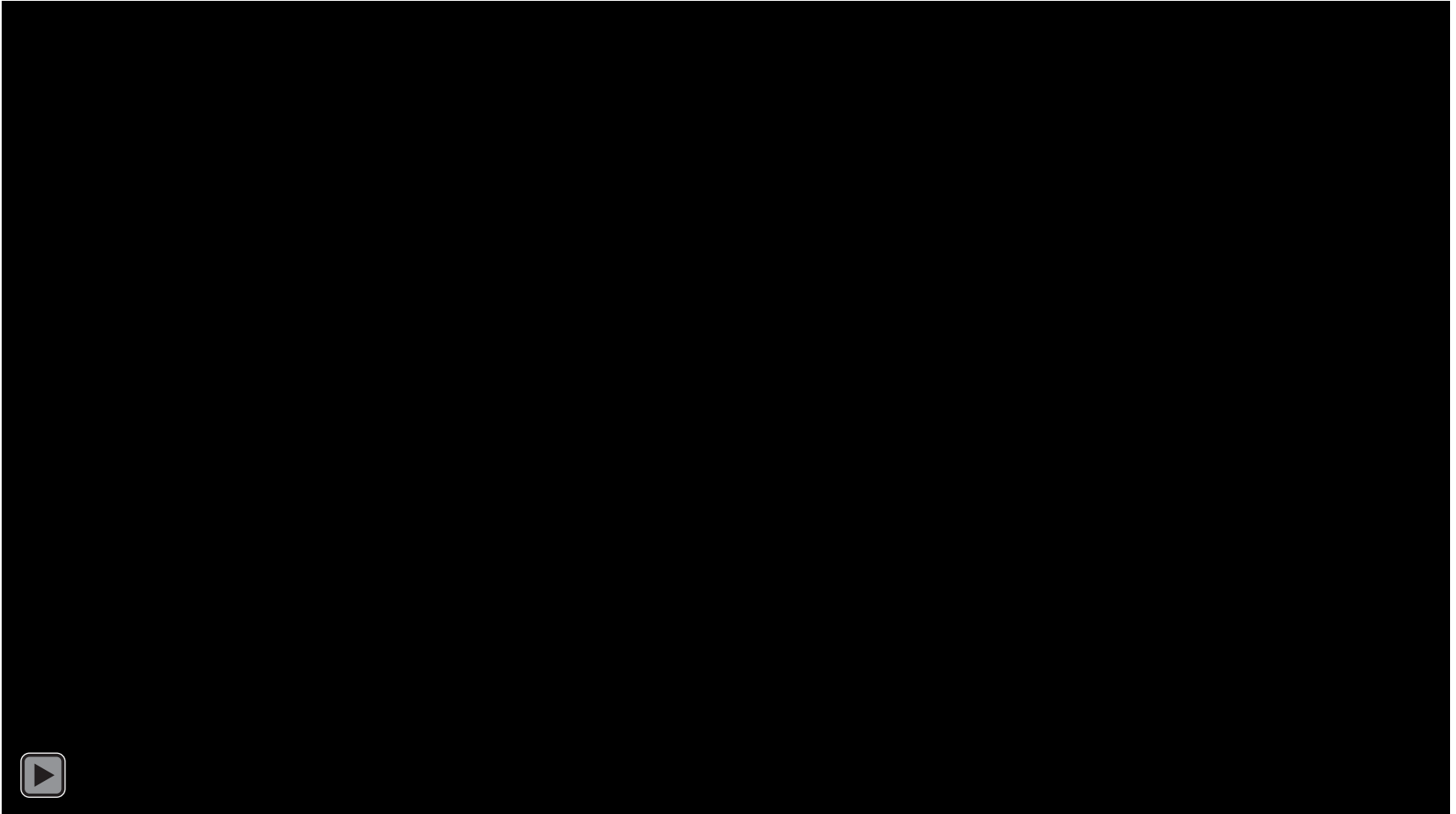
# SDLA Requirements

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## Prohibited Driver Crashes CMV into School Bus – March 2024

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# Reminder: Clearinghouse-II SDLA Requirements

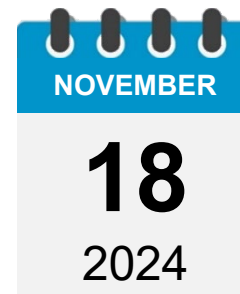
## Mandatory CDL Downgrade

- Remove CLP or CDL privilege **within 60 days** of being notified by FMCSA of a driver's prohibited status in the Clearinghouse
- If notified by FMCSA that a driver's status changed to "not prohibited"
  - Terminate CLP/CDL privilege removal process; or
  - Reinstate the previously-removed CLP/CLP privilege
- If notified by FMCSA that a driver's prohibited status was due to erroneous entry, reinstate as soon as possible and expunge driving record

## Non-Issuance

- Query Clearinghouse prior to commercial licensing transaction
- If Clearinghouse query shows driver in a prohibited status, deny commercial licensing transaction
- Commercial licensing transaction = issuing, duplicates, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP

Beginning



# CDL Downgrades: Timeline



## Pre-Compliance Date

- SDLAs with legislative authority *may* begin downgrading CDLs for drivers with a “prohibited” Clearinghouse status
- Pull Prohibited Drivers Report to identify prohibited drivers
- Pull Driver Status Change Report to track reinstatements



## Compliance Date (November 18, 2024)

- SDLAs *must* downgrade CDLs for drivers with a “prohibited” Clearinghouse status **within 60 days** from FMCSA notification
- Includes all historic prohibitions (violations entered since January 6, 2020, still open) – **all SDLAs must pull prohibited driver report manually on 11/18/2024, regardless of connection method**



## Post-Compliance Date

- SDLAs must continue to downgrade CDLs for drivers with a “prohibited” Clearinghouse status **within 60 days** from FMCSA notification
- Once State backlog is cleared, will only need to address new/current prohibitions

## Are you ready for November 18, 2024?

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- Obtain legislative authority
- Download Prohibited Driver Report
- Identify State process for removing a commercial driving privilege
- Begin removing commercial driving privileges
- Download the Driver Status Change Report
- Reinstate commercial driving privileges, as needed

## Update: Clearinghouse Prohibited Driver Report

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As of July 30, 2024, the Prohibited Driver Report no longer includes drivers with violations tied to unverified records.

### **Why were unverified records appearing on Prohibited Driver Reports?**

- While “unverified” records should not be included on the Prohibited Driver Report, these records were appearing on the reports due to an issue with the report generation process.

### **Why are some States still seeing non-CDL drivers on Prohibited Driver Reports pulled after the July 30, 2024 Clearinghouse update?**

- Likely because your State system is sending the CDLIS Gateway a positive CD03 response—that is, returning a record—for these non-CDL drivers during the Clearinghouse CDL validation process.
- States do not need to comply with the downgrade requirement for any individuals listed on their Prohibited Driver Report that are not currently CDL holders in that State.
- Clearinghouse will retain the violation if the individual was subject to FMCSA’s drug and alcohol testing regulations at the time the violation occurred.

## Known Issue: Clearinghouse Prohibited Driver Report

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FMCSA is aware that some drivers are still showing up on a State's Prohibited Driver Report even after relocating to another jurisdiction.

- FMCSA is working on both a permanent fix and a temporary work-around.
- The 60-day clock for the mandatory downgrade does not begin until the **SDLA where the driver is currently credentialed** is notified that the driver is prohibited.

## Clarification

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During the June Clearinghouse check-in webinars with SDLAs, we shared the downstream impacts when an SDLA opts to fulfill the downgrade requirement by removing the driver's commercial class. If the driver's license information changes, the driver's information will not be automatically synced in the Clearinghouse; when made aware, the Clearinghouse Team resolves these through a manual process.



### **Are States required to take any action?**

No, SDLAs are not required to take any action. This information was shared for your awareness and for transparency.

## Unemployed Driver and Return-to-Duty FAQ



### Can a driver complete a return-to-duty (RTD) test and have a negative RTD test result reported to the Clearinghouse if the driver does not have an employer?

Yes. Under 49 CFR [382.705\(b\)\(1\)\(ii\)](#), employers that are subject to FMCSA's drug and alcohol regulations in 49 CFR part 382 are required to report drivers' negative RTD test results to the Clearinghouse. However, if a driver does not have a current or prospective employer subject to part 382 to send the driver for an RTD test and upload the negative result, the driver may register in the Clearinghouse as an owner-operator and designate a consortium/third-party administrator (C/TPA) for the limited purpose of completing the RTD process. Once designated, the C/TPA can direct the driver to submit to an RTD test and report the negative RTD test result to the Clearinghouse on the driver's behalf. When the C/TPA reports the negative RTD test result, the driver's Clearinghouse status will change from "prohibited" to "not prohibited," thereby allowing the driver to resume driving a CMV and performing other safety-sensitive functions. Note: the driver's follow-up testing plan prescribed by the substance abuse professional must be administered by the driver's employer when the driver resumes working in a DOT safety-sensitive position.

Drivers using this option will need to create a new account in the Clearinghouse with the "Employer" role (note: this will require creating a new Login.gov account). When registering, select "Register as an Employer and Driver" and be sure to select "Yes" for the question "Are you an owner-operator?" [Download step-by-step instructions](#). **Drivers should not apply for a U.S. DOT Number when using this option to complete the RTD process.**



## FAQ Recap: Unemployed Driver and Return-to-Duty

NEW

**An employer subject to part 382 sends the driver for an RTD test and uploads the negative result. If a driver does not have a current or prospective employer, they can still complete the RTD process.**

1

Driver may register in the Clearinghouse as an owner-operator and designate a consortium/third-party administrator (C/TPA) for the limited purpose of completing the RTD process.

2

C/TPA can direct the driver to submit to an RTD test and report the negative RTD test result to the Clearinghouse on the driver's behalf.

3

When C/TPA reports negative RTD test result, driver's Clearinghouse status will change from "prohibited" to "not prohibited," allowing the driver to resume driving a CMV.

4

Driver's follow-up testing plan prescribed by the substance abuse professional must be administered by the driver's employer when the driver resumes working in a DOT safety-sensitive position.

# Testing Your Connection to the Clearinghouse

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## Testing Your Connection

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### Direct Connect

States schedule  
own testing;  
FMCSA can  
assist if needed

### CDLIS

Work with  
AAMVA to  
schedule  
formal testing

# Direct Connect Testing Protocols

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**Details on testing are available in the Clearinghouse Web Development Handbook (v 1.7).**

- Available on the [SDLA Resources page](#).
- Development Handbook contains test scenarios.
- FMCSA can accommodate specific testing scenarios.



For all requests and submissions, email [SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov).

## ACTION ITEMS

- Unless your State has recently changed its planned connection to the Clearinghouse, all ISAs known to be needed have been completed.
- Submit expected testing dates to FMCSA.
- Follow up with FMCSA to confirm once testing is completed.
- Deadline to complete the MOU has been extended.

# Resources and Outreach

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# Outreach: Drivers

## Driver Resources

- **Sample Language for CDL Downgrade Letters (Word):** SDLAs may insert this language into the communications to drivers informing them of the loss of commercial driving privilege due to a "prohibited" status in the Clearinghouse.
- **Clearinghouse Talking Points:** SDLAs may use these talking points when speaking with drivers about Clearinghouse-II and its implications for commercial driving privileges.
- **Clearinghouse-II Standard Website Language:** SDLAs may use this language on their websites to educate drivers about Clearinghouse-II.
- **NEW: Sample Newsletter Article and Blurbs (Word):** SDLAs are encouraged to use these sample newsletter article and e-newsletter blurbs on their websites and in SDLA publications.
- **NEW: Sample Social Media Posts (Word):** SDLAs may post these messages to their social media channels.
- **NEW: Web Graphics:** Download and use these images on SDLA websites, social media channels, e-newsletters, etc. Note: The zip file also contains horizontal (1200 x 627 px) versions of all images.



[Download All Graphics](#)

## Driver Return-to-Duty Visor Card

SDLAs may share this with drivers who lose their commercial driving privileges due to a "prohibited" Clearinghouse status. The insert summarizes the steps a driver must take to complete the return-to-duty (RTD) process.

- Download the [Driver Return-to-Duty Visor Card](#)

Submit the files below to your local printer to print your own copies of the Driver Return-to-Duty Visor Card.

- [Driver Return-to-Duty Visor Card Print-Ready Version](#)
- [Driver Return-to-Duty Visor Card print specifications \(Word\)](#)

## NEW: Clearinghouse Outreach PPT

This PowerPoint presentation was originally created in 2021 to assist enforcement personnel in educating the industry about the Clearinghouse and was updated in September 2023 to include new information on the second Clearinghouse final rule. This PowerPoint is now available to SDLAs to assist in your driver outreach efforts.

- Download the [Clearinghouse Outreach PPT](#)

# State Report-Out

## Are you ready for November 18, 2024?

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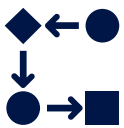
### Have you completed the following actions?



**Obtain Legislative Authority** Obtain authority to enforce Clearinghouse regulations.



**Establish IT Connectivity**  
Select, develop, and test connectivity method.



**Begin CDL Downgrades Early (optional)**  
Pull Prohibited Drivers Report and start to downgrade CDLs (if you have authority to do so).



**Update Procedures & Train Staff**  
Make sure staff know how to query the Clearinghouse when needed and how to respond to Clearinghouse notifications.



## Are you ready for November 18, 2024?

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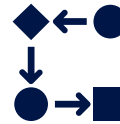
- Are there any known barriers to completing these action items?
- Is there anything FMCSA can do to assist you?



**Obtain  
Legislative  
Authority**



**Establish IT  
Connectivity**



**Begin CDL  
Downgrades  
(optional)**



**Update  
Procedures &  
Train Staff**

## Q&A

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- Enter your questions in the chat pod or unmute
- If we don't get to all the questions today, we will follow up with you directly



## Resources

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### Where can I learn more about the Clearinghouse-II final rule?



#### ■ Visit

- SDLA Resources:  
<https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources>
- Drug and Alcohol Clearinghouse:  
<https://clearinghouse.fmcsa.dot.gov/>



#### ■ Contact

- Clearinghouse Team:  
[SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov)
- <https://clearinghouse.fmcsa.dot.gov/Contact>



**Thank you!**

Together, our efforts are making our Nation's roadways safer.